

**June 22, 2015
Springfield, Missouri**

The City Council met in regular session June 22, 2015 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A moment of silence was observed.

Roll Call

Present: Craig Fishel, Ken McClure, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, Mike Schilling, Justin Burnett, and Bob Stephens. Absent: Jan Fisk.

Minutes

The minutes of June 8, 2015 were approved as presented.

Consent Agenda

The Consent Agenda was finalized and approved as presented.

CEREMONIAL MATTERS

City Managers report and responses to questions raised at the previous City Council meeting:

Tim Smith, Deputy City Manager, responded all questions had been answered. He noted the letters for the Governor that were requested at the last meeting were prepared and presented to Council for review this evening.

Mr. Smith noted Paul Williams, Chief of Police, provided the May uniform crime statistics. He added overall crime is up 6.5% for the month of May 2015 over May 2014. Mr. Smith noted more details are provided in the handout.

Mr. Smith thanked the Office of Emergency Management (OEM) for monitoring conditions and providing updated information for several days last week as the City experienced flooding conditions. He added the Public Information office worked with the OEM to coordinate communication efforts with the Missouri Department of Transportation (MoDOT) and other partners to keep the community informed. Mr. Smith noted no major problems with roads and properties inside the City were experienced; however, access in and out of the City was a concern during a short time on Friday. He added Rivercut Golf Course closed due to flood damage. Mr. Smith noted Rivercut's "back nine" holes reopened today at noon and citizens were already golfing by this afternoon. He expressed his appreciation to the Springfield-Greene County Parks Department for their work on this issue. Mr. Smith noted floodwaters got close to the Lake Springfield Boathouse, but the building was not breeched and was able to host a wedding, and other rental events, over the weekend.

Mr. Smith congratulated Zim Schwartz, Director of Springfield-Greene County Emergency Communications, for being selected to escort the "Flame of Hope" for the Special Olympics Unified Relay Across America's Central White Route. He added Ms. Schwartz is an avid runner and fitness aficionado, but running with an Olympic torch through eight of the United States would be a first for her.

Councilman Hosmer requested an update on the potential grant to hire additional Police Officers. Mr. Smith responded an update would be presented at Council lunch tomorrow.

The following bills appeared on the agenda under Second Reading Bills:

Debt Retirement

Sponsor: Stephens. Council Bill 2015-150. A special ordinance setting a preliminary tax levy on real and personal property for current expenses and debt retirement of the City of Springfield, Missouri, its boards and agencies, for the Fiscal Year 2015-2016; and declaring an emergency.

Council Bill 2015-150. Special Ordinance 26586 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Budget Document

Sponsor: Stephens. Council Bill 2015-151. A special ordinance adopting a budget for the City of Springfield, Missouri, for the Fiscal Year July 1, 2015, through June 30, 2016, providing that certain amounts shown in the budget document are appropriated for the various departments specified in said budget, and declaring an emergency.

Council Bill 2015-151. Special Ordinance 26587 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

BDS Fees

Sponsor: McClure, Hosmer, Fulnecky, and Schilling. Council Bill 2015-152. A general ordinance amending the Fee Schedule for certain municipal services as provided in the Springfield City Code, by adopting new fees for Building Development Services, in order to recover all or part of the cost thereof. (The Finance Committee recommends approval.)

Councilwoman Fulnecky moved to amend Council Bill 2015-152 to replace the current Exhibit B "Permit, Plan Review, and Inspection Fees Building Development Services" with a new Exhibit B "Permit, Plan Review, and Inspection Fees Building Development Services" which changes the Building Plan Review Fee from \$315.00 (100% recovery) to \$175.00 (56% recovery). Councilman Burnett seconded the motion and it was discussed.

Councilwoman Fulnecky noted her desire to go back to the original staff recommendation of 56% cost recovery. She expressed concern that raising the fee to 100% cost recovery would discourage economic development, especially on smaller projects.

Councilman Hosmer spoke in opposition to the proposed amendment. He expressed his belief that the City should not subsidize anyone and should recover 100% of costs.

Mayor Pro Tem McClure spoke in opposition of the proposed amendment. He noted the Finance and Administration Committee discussed this fee and supported the increase to 100% cost recovery.

Councilman Burnett spoke in support of the proposed amendment. He expressed concern that increasing the fee could increase economic development issues.

Councilwoman Fulnecky noted there are several other tools available to offer incentives to developers.

The motion failed due to the following vote: Ayes: Burnett and Fulnecky. Nays: Fishel, McClure, Hosmer, Ferguson, Schilling, and Stephens. Absent: Fisk. Abstain: None.

Council Bill 2015-152. General Ordinance 6203 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Salary Ordinance

Sponsor: Stephens. Council Bill 2015-153. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the Salary Ordinance relating to salary grades for various job titles within the City service as contained in the Professional, Administrative and Technical (PAT) Schedule, the Crafts, Trade and Labor (CTL) Schedule, the Fire Protection Schedule (FPS), and the Law Enforcement Schedule (LES) by making provision for sixteen (16) new job titles and deleting six (6) existing job titles; by providing pay adjustments for employees on the PAT, CTL, FPS, and LES pay schedules; by eliminating the position of Police Captain from education pay eligibility; by eliminating the positions of Battalion Chief, Assistant Fire Chief and Fire Chief from Emergency Medical Technician (EMT) pay eligibility; by approving a Memorandum of Understanding between the City and the City Manager; and by declaring an emergency.

Council Bill 2015-153. General Ordinance 6204 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

The following bills appeared on the agenda under Resolutions:

Council Bill 2015-157 and Council Bill 2015-157 Substitute No. 1 were read and discussed simultaneously.

National Motto

Sponsor: Burnett. Council Bill 2015-157. A resolution supporting the display of the national motto "In God We Trust" in the Council Chambers or other prominent location above the seal.

Slogan

Sponsor: Stephens. Council Bill 2015-157. Substitute No. 1. A resolution supporting the display of the slogan "E Pluribus Unum" in the Council Chambers in a prominent location at City Hall.

Councilman Schilling moved to table Council Bill 2015-157 and Council Bill 2015-157 Substitute No. 1 and refer them to the Plans and Policies Committee for additional review. Councilman Hosmer seconded the motion and it was discussed.

Councilman Burnett expressed his belief that it would be disrespectful, to citizens who have signed up to speak, to table the proposed and not take public comment this evening.

Councilwoman Fulnecky expressed her belief that the proposed is a "black and

white” issue and Council has a duty to vote on it. She expressed concern that if it is referred to a committee it could die there and citizens would not know how each Councilmember would have voted on the issue.

The motion passed due to the following vote: Ayes: Fishel, McClure, Hosmer, Ferguson, Schilling, and Stephens. Nays: Burnett and Fulnecky. Absent: Fisk. Abstain: None.

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

The following bills appeared on the agenda under Grants:

Edward Byrne Memorial JAG

Sponsor: Fulnecky. Council Bill 2015-166. A special ordinance authorizing the City Manager, or his designee, to apply for and accept the Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice and to enter into an interlocal agreement with Greene County, outlining the division of the grant funds; amending the budget of the Springfield Police Department for Fiscal Year 2015-2016 in the amount of \$124,093.

Paul Williams, Chief of Police, gave a brief overview of the proposed. He noted the Justice Assistance Grant (JAG) program is based on population and violent crime in the community. He added based on the formula used to award these grant funds the City is eligible, but Greene County is not. Chief Williams noted since Greene County provides 50% of the cost of prosecution and incarceration of violent criminals the City is required to split the funds with them. He added historically he and Jim Arnott, Greene County Sheriff, have met to decide how to allocate these funds. Chief Williams noted the funds are normally split 60/40, with the City receiving 60% of the funds. He added the City would receive approximately \$74,000. Chief Williams noted Sheriff Arnott is going to use his portion of the funds to purchase in-car cameras for some of his patrol cars. He added he plans to use \$40,000 to purchase a backup server for arbitrator videos recorded on the in-car camera system and interview room cameras and the rest will be spent to equip the majority of the department with civil disturbance equipment.

Mayor Stephens asked if the 60/40 split had been in place for sometime. Chief Williams responded it had been in place the five years he has been here and it was done that way before he took the position.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

Council Bill 2015-166. Special Ordinance 26588 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

AMENDED BILLS

The following bills appeared on the agenda under Public Hearings:

Rezoning: 4265 South Nature Center Way

Sponsor: Fishel. Council Bill 2015-158. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 0.19 acres of property generally located at 4265 South Nature Center Way from an R-SF, Residential Single Family District to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Deanna Key Horst Revocable Trust; 4265 South Nature Center Way; Z-24-2015.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She noted the proposed would correct a mistake made a generation ago. She added when the property was annexed into the City in 1968 it was mistakenly zoned single family, even though it was a retail operation at the time. Ms. Smith noted the Comprehensive Plan designates the area to be used for medium intensity retail, office, or housing. She added a bulk plane and bufferyard would be required if the property were developed. Ms. Smith noted the Planning and Zoning Commission and staff recommend approval.

An opportunity was given for citizens to express their views.

Bill Horst spoke in support of the proposed. He noted he was representing his parents who own the property. He added he would like to know what the property was zoned as prior to the annexation. Mr. Horst noted he and his parents support the proposed.

With no further appearances, the public hearing was closed.

**Name Change:
Glenstone Outer Road**

Sponsor: Fishel. Council Bill 2015-159. A general ordinance amending the Official Map of Springfield, adopted pursuant to General Ordinance No. 1478, by changing the name of 3600-3804 South Glenstone Avenue outer road, which is located on east side of Glenstone Avenue, to Glenstone Outer Road. (Planning and Zoning Commission and Staff recommend approval.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She noted the road in the proposed was a private road and when the City and the Missouri Department of Transportation (MoDOT) completed the improvements at Luster and Glenstone this became a public road. She added staff has worked with owners of the property located along this road and they have agreed to rename it Glenstone Outer Road. Ms. Smith noted this name change would not cause the property owners to have to change signage, stationery, etc. She added the tenants have been notified, the name change was posted, and the Planning and Zoning Commission and staff recommend approval.

Councilwoman Fulnecky asked why the name had to be changed. Ms. Smith noted the road was not actually Glenstone while it was a private road. She added now that it is a public road it has to be named.

An opportunity was given for citizens to express their views.

Curtis Jared spoke in opposition of the proposed. He asked why the name was not changed to Glenstone Terrace as originally planned. Ms. Smith responded that was the original name, but the owners and staff changed it to Glenstone

Outer Road.

Mr. Jared expressed his belief that the proposed should be named South Glenstone Road. He also asked questions regarding the naming of other roads in the City. Ms. Smith responded those questions would need to be answered by Building Development Services. The Mayor asked that Chris Straw, Director of Building Development Services, contact Mr. Jared to discuss his concerns.

Mr. Jared expressed concern that some tenants would not want to be located on Glenstone Outer Road, versus Glenstone Avenue.

With no further appearances, the public hearing was closed.

**Rezoning: West Side of
2700-2800 Blocks of N.
Farm Road 199 (Mulroy
Road)**

Sponsor: Burnett. Council Bill 2015-160. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 59 acres of property generally located on the west side of the 2700-2800 blocks of N. Farm Road 199 (Mulroy Road) from Planned Development 225 to HM, Heavy Manufacturing District; establishing Conditional Overlay District No. 94; and adopting an updated Official Zoning Map. (Planning and Zoning Commission and staff recommend approval.) (By: SRC Holdings Corporation; West side of the 2700-2800 block S. Farm Road 199 (Mulroy Rd.); Z-23-2015 & Conditional Overlay District No. 94.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She noted the proposed is currently zoned as part of a planned development that includes a variety of heavy manufacturing and general manufacturing uses. She added the Comprehensive Plan identifies this area as appropriate for light industry, office, or office-warehouse. Ms. Smith noted the proposed would eliminate the current planned development and rezone the property heavy manufacturing with a conditional overlay to restrict some of the uses. She added the proposed is identified in the Land Use and Growth Management Plan as the I-44 and Mulroy Road Activity Center. Ms. Smith noted the proposed conditional overlay restricts the permitted uses to primarily general manufacturing and office uses, but would still allow a few heavy manufacturing uses such as: motor freight terminals and some general manufacturing type uses. She added the conditional overlay requires Farm Road 199 (Mulroy Road) be reconstructed to add three lanes with 40-foot pavement and 4-foot shoulders, plus sidewalks on Mulroy Road or the developer pay a fee in lieu of sidewalks. Ms. Smith noted the proposed is consistent with the Comprehensive Plan. She added the Planning and Zoning Commission and staff recommend approval.

Ms. Smith discussed the railroad crossing that is included in the proposed and the upcoming annexation and rezoning. She noted staff has known for some time of issues at this railroad crossing. She added one of the reasons why the property has not been developed in the past is because of the need to do these fairly extraordinary improvements at Kearney and Mulroy. She noted the railroad crossing is a partnership between the City, Greene County, Burlington Northern Santa Fe Railroad (BNSF), the Missouri Department of Transportation (MoDOT) and the developer on the east side of the property. She added crossing gates and signals would be added. Ms. Smith noted train preemption would also be made available. She added this would allow trains to

control the cycle of the signal when they are coming through. Ms. Smith played a short video that showed an animation of the potential crossing.

Mayor Stephens asked if traffic could continue on the parallel street while a train was crossing. Ms. Smith responded affirmatively.

Councilman Burnett asked if the proposed sidewalks would connect to existing sidewalks or lead to nothing. Ms. Smith responded there are currently not sidewalks on Kearney Street, so they would be “floating” sidewalks for awhile or the developer could choose to make a payment in lieu of sidewalks that would go into a fund to help with sidewalks in the general area.

Councilman Schilling asked how many trains a day use that track. Ms. Smith responded she does not have that information readily available, but it is a lower volume track. Councilman Schilling asked if it would be feasible to do an over-pass instead. Ms. Smith responded that had been discussed in past years, but it was decided that it could make the intersection more difficult for traffic flow.

Councilwoman Ferguson asked if the crossing gates would stop the cautious “right on red”. Dan Smith, Director of Public Works, responded the gates would make it very clear that there is no “right on red”.

Councilman Schilling asked for clarification regarding the cost of improvements. Mr. Smith responded the estimated cost on the intersection would be close to \$500,000 and the estimated cost of the crossing would be near \$650,000. Councilman Schilling asked if these costs include the cost of widening Farm Road 199. Mr. Smith responded in the negative, adding that would be an additional cost for the developer.

An opportunity was given for citizens to express their views.

Jared Rasmussen spoke in support of the proposed. He noted the proposed is currently zoned heavy manufacturing within the planned development, but those can be cumbersome from a development standpoint. He added the proposed improvements to Mulroy Road are the responsibility of the developer.

Councilman Schilling asked for clarification regarding a sinkhole issue on the property. Mr. Rasmussen noted there is a sinkhole on the property and the road would be curved to avoid the sinkhole. Councilman Schilling asked if there are other sinkholes on the property. Mr. Rasmussen responded several “ancient” sinkholes have been located on the property. He added these sinkholes were found to be more like the surface material and do not seem to be dangerous.

Jim Meadows spoke in support of the proposed. He expressed his belief that the proposed is very important for the development of the City. He also expressed his belief that this location is a prime location for development. Mr. Meadows noted the proposed would allow development to continue and help to bring high quality jobs to the City. Mr. Meadows noted he supports the proposed, Council Bill 2015-161, and Council Bill 2015-162.

Councilman Schilling asked Mr. Meadows who the tenants for the proposed

development might be. Mr. Meadows responded he is not involved in the development, but does believe that these types of developments provide jobs.

Stephanie Stenger-Montgomery spoke in support of the proposed. She noted she lives very close to this development. She added when the Wildhorse housing development was created the developers knew that the location included in the proposed was supposed to be an Activity Center. Ms. Stenger-Montgomery noted the developers believed it would be good to have manufacturing close to the residential development because people could live and work in the area. She expressed her belief that the proposed is consistent with the Comprehensive Plan. Ms. Stenger-Montgomery noted she supports the proposed, Council Bill 2015-161, and Council Bill 2015-162.

With no further appearances, the public hearing was closed.

Council Bill 2015-161 and Council Bill 2015-162 were read and discussed simultaneously.

**Annexing: East Side of
2700-2800 Blocks of N.
Farm Road 199 (Mulroy
Road)**

Sponsor: Burnett. Council Bill 2015-161. A general ordinance amending the Springfield City Code, Chapter 1, Section 1-9, City Limits, by annexing approximately 57.4 acres of private property and 0.41 acres of Greene County right-of-way into the City of Springfield, generally located on the east side of the 2700-2800 blocks of North Farm Road 199 (Mulroy Road), generally referenced as Annexation A-2-15; and amending Springfield City Code, Chapter 46, Section 46-1, Boundaries of wards, precincts and council zones, by adding this property to the ward and precinct assigned by the County Clerk.

**Rezoning: East Side of
2700-2800 Blocks of N.
Farm Road 199 (Mulroy
Road)**

Sponsor: Burnett. Council Bill 2015-162. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 57.4 acres of property generally located on the east side of the 2700-2800 blocks of N. Farm Road 199 (Mulroy Road) from County A-1, Agriculture District to HM, Heavy Manufacturing District; establishing Conditional Overlay District No. 93; and adopting an updated Official Zoning Map. (Planning and Zoning Commission and staff recommend approval.) (By: Meek Lumber Company; East side of the 2700-2800 block N. Farm Road 199 (Mulroy Rd.); Z-22-2015 & Conditional Overlay District No. 93.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed annexation. She noted when an annexation is considered the following questions should be asked:

- Is the annexation reasonable and necessary for the proper development of the City?
- Does the City have the ability to furnish normal services within a reasonable period of time?

Ms. Smith noted the Growth Management and Land Use Plan states the area is appropriate for light industry, office, and office-warehouse. She added it also states the proposed location is an “emerging” Activity Center where development could be related to I-44/US65 Activity Center, Partnership Industrial Center, or both. Ms. Smith noted both Kearney Street and Farm Road 199/Mulroy Road are considered primary arterials. She added dense

development is encouraged around primary arterials and the proposed is located within the urban service area, which sets the geographic boundaries for the provision of those urban type services. Ms. Smith noted the proposed would allow for continued growth and development by maximizing the use of existing resources, while minimizing costs to citizens. She pointed out the location of the potential annexation on the overhead map. Ms. Smith noted the economic development considerations for the proposed include: proximity to the rail line, proximity to Partnership Industrial Center (PIC) and adjacent manufacturing zoned land, it builds on the City's significant investment in the PIC, helps with the shortage of large industrial sites, and provides opportunities for new and expanding businesses in this industrial corridor. She added utilities would be available in the area and the developer would have to consent to participate in any future sewer district. Ms. Smith noted street improvements may be required within the development. She added additional police resources may be required to maintain current service levels and response times as more development occurs in the area. Ms. Smith noted the proposed is served by Fire Station #4. She added this will impact fire response time benchmarks and baseline objectives, but that issue could be mitigated by the automatic aid agreement with Strafford Fire Protection District that is on the agenda this evening. Ms. Smith noted the proposed is consistent with the Comprehensive Plan and with the Urban Service Area Philosophy.

Mayor Pro Tem McClure asked if there is currently a mutual aid agreement with Strafford Fire Protection District. David Hall, Fire Chief, responded affirmatively, adding an automatic aid agreement is also included on the agenda this evening. He noted with a mutual aid agreement the Springfield Fire Department is able to call on another agency for assistance with an emergency. He added an automatic aid agreement allows the non-city department to respond without being requested by the Springfield Fire Department. Mayor Pro Tem McClure asked if automatic aid would meet the Insurance Services Organization (ISO) standards. Chief Hall responded affirmatively.

Mr. Wichmer noted staff has been working with the Fire Department and have determined that automatic aid is a subset of mutual aid.

Councilman Schilling asked the significance of the ISO. Chief Hall responded the ISO is a national non-profit organization that rates a city's fire insurance and decides the relative risk from other communities. He added insurance companies subscribe to ISO to assist them in deciding what a city's premium should be.

Councilwoman Ferguson asked where the first response fire service is currently coming from for this location. Chief Hall responded the service is currently coming from Strafford.

Councilman Schilling asked what would be the value added in terms of property tax from the proposed annexation. Ms. Smith responded that would depend on how the property is developed.

Ms. Smith gave a brief overview of the proposed rezoning. She noted the proposed conditional overlay would reduce some of the more onerous uses and would create several requirements regarding Farm Road 112 including: no

access permitted, 150 foot building setback, 40 foot bufferyard with plantings and an 8 foot opaque barrier between the bufferyard and the building or vehicular use. She pointed out Farm Road 112 on the overhead map. Ms. Smith noted the conditional overlay would require Farm Road 199 be reconstructed, sidewalks be built on Mulroy or the developer pay a fee in lieu of sidewalks, access points on Mulroy would have to be located directly across from access points of property to the west, and improvements to the railway, Kearney Street, and Mulroy that were discussed earlier. She added the developer has agreed to partially fund the aforementioned improvements. Ms. Smith noted the proposed rezoning is consistent with the Comprehensive Plan. She added the Planning and Zoning Commission and staff recommend approval.

Councilman Schilling noted correspondence has been received from residents with concerns regarding the setback and buffer. He asked if it would be possible to set those back further. Ms. Smith responded a 200 foot setback is significant and anything more would begin to really “eat into” the property.

An opportunity was given for citizens to express their views.

Shawn Whitney spoke in support of the proposed. He noted he represents the developer of the proposed. Mr. Whitney noted the developer believes the proposed is consistent with the Growth Management and Land Use Plan and is also located within an emerging activity center. He added the developer is doing what they can with setbacks and bufferyards to help the residents feel better about the project. Mr. Whitney noted with the current zoning several much more abrasive uses are allowed.

Councilman Hosmer asked if there is a plan for tax abatement for this project. Mr. Whitney responded in the negative.

Janett Dixon spoke in opposition of the proposed. She expressed concern that the developer is not being honest about what the proposed development would be. She also expressed concern that the proposed development would lower her property value. Ms. Dixon expressed concern that the rezoning was voted on prior to the annexation. She recommended the bufferyard be increased to protect the residents from the lights and noises from the proposed business. Ms. Dixon presented photos to Council of the bufferzone she would like to see created.

Councilman Hosmer asked Ms. Dixon to point her home out on the map. Ms. Dixon complied. She expressed concern that trucks would be travelling down the road in front of her house (Farm Road 112).

Councilman Fishel asked Ms. Smith if Farm Road 112 would be closed to the development. Ms. Smith responded the development would not have a driveway on Farm Road 112. She added trucks could turn on Farm Road 112, but it would not lead to the development so it would be better for them to take another road.

Greg McGrath spoke in support of the proposed. He expressed his belief the proposed property is a “development ready” site and those are not easy to come

by. He also expressed his belief that industrial developments bring quality jobs to the area.

Ryan Mooney, Chamber of Commerce, spoke in support of the proposed. He expressed his belief the proposed site is ideal for development and ideal for growth. He added the property meets the needs that companies often tell the Chamber of Commerce they are looking for, such as interstate access.

Councilman Schilling asked Mr. Mooney if he knew how many jobs the proposed development might create and the potential wage. Mr. Mooney responded most manufacturing and industrial distribution jobs pay above the average wage. He noted Springfield Remanufacturing Corporation (SRC) controls part of the proposed property and are known to be a quality employer in the community.

Jared Rasmussen spoke in support of the proposed. He noted he is representing the applicant. He added the applicant has listened to the residents and made adjustments to the bufferyard to ease their concerns.

With no further appearances, the public hearing was closed.

**Robberson Avenue
Panhellenic
Redevelopment Plan**

Sponsor: Schilling. Council Bill 2015-163. A special ordinance adopting the Robberson Avenue Panhellenic Redevelopment Plan for an area located along the east side of South Robberson Avenue between East Madison Street and East Grand Street and declaring its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare. (Planning and Zoning Commission, the Land Clearance for Redevelopment Authority and Staff recommend approval.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed and the Land Clearance for Redevelopment Authority Law. She noted the proposed is located on Robberson Avenue and consists of eight parcels. She added there are currently two duplexes and six single-family homes located on the property. Ms. Smith noted the proposed property is currently zoned high density multi-family residential with a university combining district conditional overlay. She added the Robberson Avenue Panhellenic Redevelopment Area is currently blighted. Ms. Smith noted the proposed redevelopment plan would supersede the current redevelopment plan for the area. She added the objectives for the proposed are to remove the blight and construct a new fraternity and sorority development. The development would include up to 6 four-story buildings with up to 25 residents per building. Ms. Smith noted each building would be leased to a college fraternity or sorority and off-street parking would be provided. She added the proposed conforms with the Comprehensive Plan. Ms. Smith noted the Land Clearance for Redevelopment Authority, the Planning and Zoning Commission, and staff recommend approval.

Councilman Fishel asked if the proposed requires a but/for test. Ms. Smith responded in the negative, adding Chapter 99 does not require a but/for test. Councilman Fishel asked if the proposed property has always been owned by the same individual. Ms. Smith responded in the negative. She stated the proposed property is in the process of being purchased by the developer.

Councilman Hosmer asked the value of the tax abatement. Ms. Smith responded the developer is currently getting an appraisal done, but the preliminary estimate states the property would be valued at \$8 million post development so it would be assessed at \$1.52 million. She added the value of the abatement is estimated to be approximately \$79,000 annually and approximately \$780,000 over the next 10 years.

Councilman Hosmer asked if the proposed would be fraternity/sorority housing. Ms. Smith responded affirmatively. Councilman Hosmer asked if the developer would be passing along the abatement to the organizations leasing the buildings. Ms. Smith responded that is not something that is asked of the developer by staff. She added the developer would be able to answer this question.

Councilwoman Ferguson asked for an estimate of how many properties are blighted or abated around the university. Ms. Smith pointed out some areas on the overhead map. Councilwoman Ferguson asked if there were any tax abatements, via blight, available to residential owners in these areas. Ms. Smith responded it is available, but staff has not received any requests for residential development.

An opportunity was given for citizens to express their views.

Shawn Whitney spoke in support of the proposed. He noted he represents the developer. He expressed his belief that the proposed project would be very beneficial to the area and he added that Missouri State University (MSU) supports the proposed. Mr. Whitney noted more fraternity and sorority housing is desperately needed in this area. He added the proposed abatement has been in development for quite some time. Mr. Whitney noted one goal of the proposed is to move some of the fraternity/sorority housing off of National Avenue and get it closer to MSU. He added the developer plans to pass along the savings from the abatement to the students by using it as an incentive for the fraternities/sororities to master-lease. Mr. Whitney expressed his belief that the proposed would help market MSU to students throughout the Country.

With no further appearances, the public hearing was closed.

**Amended
Redevelopment Plan for
the Brewery District
Lofts Redevelopment
Area**

Sponsor: Schilling. Council Bill 2015-164. A special ordinance amending Special Ordinance No. 26328 to approve an Amended Redevelopment Plan for the Brewery District Lofts Redevelopment Area; authorizing certain tax abatement within the plan area; and authorizing the City Manager to execute an amended and restated agreement with the Brewery District Lofts Redevelopment Corporation relating to the implementation of the amended redevelopment plan. (The Planning and Zoning Commission and City Staff recommend approval.)

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She noted the proposed is an amendment to an area that has previously received property tax abatement through Chapter 353 of the State Statutes. She added the proposed would amend the plan originally adopted December 16, 2013. Ms. Smith pointed out the location of Springfield Brewing

Company and their parking lot on the overhead map. She gave a brief overview of Urban Redevelopment Corporations Law and the requirements for receiving partial real property tax abatement. She noted the area must be declared a blighted area, the redevelopment plan must conform to the Comprehensive Plan, and the applicant must demonstrate the redevelopment project would provide a measurable public benefit and would not occur but/for the abatement. Ms. Smith noted the proposed property is currently declared blighted, includes 3 parcels, is zoned Center City District, and has been approved for partial real property tax abatement. She added the original plan had been to convert 507 W. Walnut to a distillery, restore 521 W. McDaniel to shell state for future Springfield Brewing Company expansion, and demolish 535 W. Walnut and construct a 3-story residential and commercial mixed-use building. Ms. Smith noted 507 W. Walnut and 521 W. McDaniel have been rehabilitated according to the current redevelopment plan. She added 535 W. Walnut has been demolished and the proposed mixed use building has not been constructed. Ms. Smith noted the developer has changed their plans for the new construction and those plans do not meet the requirements of the current redevelopment plan. She added their new plan is to construct a redesigned 3-story residential and commercial mixed use building with approximately 3,270 square feet of commercial space on the first floor, 25 residential apartments distributed on all floors, off-street parking, and if the building achieves LEED-Silver rating they would qualify for a sustainability bonus. Ms. Smith noted all other elements of the amended plan would remain similar to the original plan. She added the amended redevelopment plan would affect the project's income, expenses, and appraised value upon completion. Ms. Smith noted the Tax Impact Analysis is included in the proposed. She added the aforementioned analysis estimates approximately \$266,000 of additional property tax revenue over the next 25 years if the redevelopment occurs and tax abatement is authorized. Ms. Smith noted the amended redevelopment plan remains consistent with the Comprehensive Plan and the Growth Management and Land Use Plan allows and promotes high-intensity office, retail, housing, academic, and public land uses, preferably in mixed use buildings with a strong pedestrian orientation, in this area. She added the findings for approval of the proposed include: the redevelopment area remains a blighted area, the project will provide a measurable benefit, the project passes the but/for test, and the Land Clearance for Redevelopment Authority, the Planning and Zoning Commission, and staff recommend approval.

Councilman Hosmer asked for clarification regarding the value of the proposed abatement. Ms. Smith responded approximately \$691,986 would be the cumulative total. She added if the developer achieves a LEED Silver rating and receives the sustainability bonus the total abatement would be approximately \$864,098.

Councilman Hosmer asked if the taxing jurisdictions support the proposed. Ms. Smith responded they have all been notified and no correspondence has been received back.

An opportunity was given for citizens to express their views.

Shawn Whitney spoke in support of the proposed. He noted he represents the applicant. Mr. Whitney noted the applicant has invested a lot of time, money,

and heart into this project and requests the support of Council.

Councilman Hosmer asked why the proposed requested a Chapter 353 instead of a Chapter 99 abatement. Mr. Whitney responded because of the additional timeframe of the abatement. Councilman Hosmer expressed concern about the abatement on the residential portion of the proposed, not the commercial portion. He expressed his belief that this does not seem “fair” to residents who are not eligible for such abatements.

Councilman Hosmer expressed concern about the building in the proposed being demolished instead of rehabilitated. Mr. Whitney responded that some buildings cannot be rehabilitated.

Councilman Hosmer asked if the developer or the City notifies the entities included in the taxing jurisdiction. Mr. Whitney responded his office makes the notifications. Councilman Hosmer asked Mr. Whitney if he ever receives comment from the Springfield School District. Mr. Whitney responded he has received phone calls from them before and he has met with them before. He added their response is that they remain in a neutral position.

Councilman Hosmer expressed his support of the sustainability component of the proposed.

Councilman Schilling asked the potential for new jobs from the commercial portion of the proposed development. Mr. Whitney responded he does not have that information at this time.

With no further appearances, the public hearing was closed.

The following bills appeared on the agenda under First Reading Bills:

**Property Assessment
Clean Energy Act
(PACE)**

Sponsor: Schilling. Council Bill 2015-165. A special ordinance authorizing the City of Springfield, Missouri, to join the Missouri Clean Energy District created pursuant to Missouri Revised Statutes Sections 67.2800 to 67.2835, known as the “Property Assessment Clean Energy Act” (‘Act’); stating the City’s intent to participate in the “Property Assessed Clean Energy” (‘PACE’) program as a member of such District; requesting appointment to the District’s Advisory Board; disclaiming any need for appropriation; and directing the City Clerk to send a certified copy of this Ordinance to the Board of Directors of the Missouri Clean Energy District.

Barbara Lucks, Environmental Services Department, noted the proposed was reviewed at a recent Council lunch. She added she would answer any additional questions Council might have.

Councilman Schilling asked for clarification regarding a question asked at the recent Council lunch regarding the proposed program being made available to residential properties. Ms. Lucks responded she does not have a definitive answer to that question at this time. She added she hopes by the end of the year the program will be available to residential properties also.

An opportunity was given for citizens to express their views.

Jeff Barber spoke in support of the proposed. He noted he works for the University of Missouri Extension Center. He added he was also a member of the Green Building Task Force and is a member of the Housing Subcommittee for Field Guide 2030. Mr. Barber noted Missouri was the 23rd State to adopt the Property Assessed Clean Energy (PACE) program and has one of the only aggregation models that allows counties and municipalities to join the Clean Energy Development Board. He added participation in PACE enables property and business owners to access PACE funding which helps overcome two barriers for energy efficiency: lack of capital and hesitancy to make long-term investments. Mr. Barber expressed his belief the proposed would be very beneficial to the City. He added several local communities have already approved PACE legislation.

Matt O'Reilly spoke in support of the proposed. He noted he was the Chair of the Natural Environment Subcommittee. He expressed his belief that the proposed would benefit many citizens in the community, but would be even more beneficial to renters because of the "split incentive". He added this would incentivize owners to pass on their savings to their tenants. Mr. O'Reilly noted if the proposed is approved he would use it in his personal businesses.

With no further appearances, the discussion was closed.

The following bills were read and discussed simultaneously: Council Bill 2015-167, Council Bill 2015-168, Council Bill 2015-169, and Council Bill 2015-170.

**Fire Protection Mutual
Aid Agreement:
Battlefield Fire
Protection District**

Sponsor: Stephens. Council Bill 2015-167. A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an intergovernmental agreement with the Battlefield Fire Protection District for the purpose of providing fire protection mutual aid.

**Fire Protection Mutual
Aid Agreement: Logan-
Rogersville Fire
Protection District**

Sponsor: Stephens. Council Bill 2015-168. A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an intergovernmental agreement with the Logan-Rogersville Fire Protection District for the purpose of providing fire protection mutual aid.

**Fire Protection Mutual
Aid Agreement: Strafford
Fire Protection District**

Sponsor: Stephens. Council Bill 2015-169. A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an intergovernmental agreement with the Strafford Fire Protection District for the purpose of providing fire protection mutual aid.

**Fire Protection Mutual
Aid Agreement: Willard
Fire Protection District**

Sponsor: Stephens. Council Bill 2015-170. A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, to enter into an intergovernmental agreement with the Willard Fire Protection District for the purpose of providing fire protection mutual aid.

David Hall, Fire Chief, gave a brief overview of the proposed bills. He noted the proposed bills would update all of the mutual aid/automatic aid agreements currently in place while adding an agreement with Strafford Fire Protection District.

An opportunity was given for citizens to express their views. With no

appearances, the discussion was closed.

Trolley Bikes

Sponsor: Hosmer, Fishel, Fisk, and Fulnecky. Council Bill 2015-171. A general ordinance amending the Springfield City Code, Chapter 70, Licenses, Permits and Miscellaneous Business Regulations, Article II, Business and Occupational Licenses in General, Section 70-84, Schedule, by adding subsection 140.5, Trolley bike, commercial, to add a license fee for commercial trolley bikes; amending Chapter 78, Offenses and Miscellaneous Provisions, Article I, In General, Section 78-4, Possession, sale or consumption of alcoholic beverages in public place, to allow possession of alcohol in the passenger area of commercial trolley bikes; amending Chapter 106, Traffic and Vehicles, by adding Article X, Trolley Bikes, to regulate the use of trolley bikes on City streets; and amending Chapter 118, Vehicles for Hire, Article II, Taxicabs, Courtesy Cars and Airport Limousines, Section 118-38, License and permit requirements, to allow commercial trolley bikes to transport passengers for hire within the City. (Plans and Policies Committee recommends approval.)

Councilman Fishel moved to amend Council Bill 2015-174, lines 218 through 226, Sec. 106-610, by deleting the phrase “commercial driver license” from the section title, deleting the phrase “valid Class C commercial driver license (CDL)” from the first sentence of Sec. 106-610 (b) and deleting the acronym “CDL” from the second sentence of Sec. 106-610 (b), and replacing those phrases and the acronym with “Class E driver license”, and to amend Line 189 by deleting the word sixteen and replacing with the word fifteen. Councilwoman Fulnecky seconded the motion and it was discussed.

Councilman Hosmer asked if the proposed amendment would remove the requirement for a CDL. Councilman Fishel responded affirmatively. Councilman Hosmer asked the purpose of removing this requirement. Councilman Fishel responded that it is difficult to obtain a CDL and adds an additional obstacle for the business owner. He added the person taking the CDL test would also have to drive a vehicle that requires a CDL during the test.

Councilman Hosmer spoke in opposition of the proposed amendment. He expressed concern that this could be dangerous because customers would be drinking, not wearing a seatbelt or head protection, and might not have a driver with the appropriate training to drive them around. He noted he would not support the proposed without the CDL requirement.

Councilwoman Fulnecky spoke in support of the proposed amendment. She expressed her belief that these are bicycles, not vehicles and a requirement should not be made that would make the process more burdensome for the business owner.

The motion was approved due to the following vote: Ayes: Fishel, McClure, Fulnecky, Ferguson, Schilling, Burnett, and Stephens. Nays: Hosmer. Absent: Fisk. Abstain: None.

An opportunity was given for citizens to express their views.

Brian Ash spoke in support of the proposed. He noted he is available to answer any questions Council might have. He also showed a brief video of trolley bikes

in other cities.

Councilman Burnett asked if there would be a limit to the amount of alcohol someone could consume. Mr. Ash responded in the negative, adding they would not be serving any alcohol. He added no glass bottles would be allowed and at this point they would probably only serve beer and wine.

Councilman Burnett asked how open containers would be disposed of at the end of the ride. Mr. Ash responded they would obey the open container law, so customers would not be able to bring open containers onto the trolley or take them off the trolley. He added they would only be able to take unopened containers with them.

Councilwoman Ferguson asked if seatbelts would be required on the trolley bikes. Mr. Ash responded they are not currently required, but could be if Council requested that change.

Mayor Stephens asked if customers would bring their own alcoholic beverages on the bikes and if there would be a requirement for no glass bottles on the bikes. Mr. Ash responded affirmatively.

Councilman Schilling asked about issues in other cities. Mr. Ash responded he has not heard any negative stories from other cities.

Councilman Burnett asked if Chief Williams had voiced concerns about the proposed. Mr. Ash responded that in the beginning Chief Williams had concerns, but they have worked to address them.

Mayor Stephens expressed concern that the trolley bikes might be hard to maneuver in and out of traffic downtown.

With no further appearances, the discussion was closed.

The following appeared on the agenda under Petitions, Remonstrances, and Communication:

Steven Reed addressed Council regarding issues he feels are detrimental to the community.

UNFINISHED BUSINESS

The following appeared on the agenda under New Business:

The Mayor recommended the following appointment to the Traffic Advisory Board: David Brown with term to expire April 1, 2018.

The Mayor recommended the following reappointment to the Traffic Advisory Board: Perry Elkins with term to expire April 1, 2018.

The Mayor recommended the following appointment to the University of Missouri Extension Council: Joseph Hoffman with term to expire February 28, 2018.

The Public Involvement Committee recommended the following appointments to the Citizens Advisory Committee for Community Development: David Leehy with term to expire May 1, 2016; and Nancy Fazzino with term to expire May 1, 2018.

The Public Involvement Committee recommended the following reappointments to the Citizens Advisory Committee for Community Development: Tedra Estis with term to expire May 1, 2018.

The Public Involvement Committee recommended the following appointments to the Citizens Sales Tax Oversight Committee: Bonnie Jenkins, Summer Masterson, and Jennifer Nelson-Colwell with terms to expire May 1, 2018.

The Public Involvement Committee recommended the following appointments to the Personnel Board: Gary Stafford and Shelby Lawhon with terms to expire March 1, 2018.

The Public Involvement Committee recommended the following reappointment to the Personnel Board: Richard Pogue with term to expire March 1, 2018.

The Public Involvement Committee recommended the following reappointments to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Paul Carroll and Gus Krafve with terms to expire April 30, 2018.

Council referred the issues of animal control, nuisance and vicious dog protocols, and insurance liability to the Plans and Policies Committee.

MISCELLANEOUS

CONSENT AGENDA FIRST READING BILLS

The following bills appeared on the agenda under Consent Agenda One Reading Bills:

Sanitary Sewer District No. 237 of Section No. 6

Sponsor: Burnett. Council Bill 2015-172. A special ordinance to levy and assess a special tax against the lots, blocks, and parcels of ground hereinafter described to pay for the cost of the construction of sanitary sewers in the City in Sanitary Sewer District No. 237 of Section No. 6, in the general vicinity of National Avenue and Norton Road, providing for inclusion of said district in the City Sewer Financial Assistance Program, and authorizing the City Clerk to issue special tax bills and deliver the same to the Director of Finance to be registered in her office in accordance with the ordinance.

Council Bill 2015-172. Special Ordinance 26589 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Insurance Coverage for Events on City Property

Sponsor: Ferguson. Council Bill 2015-173. A resolution imposing an administrative delay on implementing section 2-504(b)(14) of Ordinance No.

6195, for a period of one hundred and eighty (180) days to seek input and present a report to City Council upon appropriate levels of required insurance coverage for events that take place on City property.

Council Bill 2015-173. Resolution 10219 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Mayor's Trip to Japan

Sponsor: Council. Council Bill 2015-174. A resolution authorizing Mayor Bob Stephens, on behalf of the City of Springfield, to visit our Sister City of Isesaki, Japan to reiterate the City of Springfield's Sister City relationship.

Council Bill 2015-174. Resolution 10220 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

**The following bills appeared on the agenda under Consent Agenda
Second Reading Bills:**

**Jefferson Streetscape
Phase II Project**

Sponsor: Schilling. Council Bill 2015-155. A special ordinance approving the plans and specifications for the Jefferson Streetscape Phase II project, Plan No. 2015PW0019WTE, accepting the bid of Hunter Chase & Associates, Inc. for that project, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2015-155. Special Ordinance 26590 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

**Traffic Signals Annual
Maintenance Control**

Sponsor: Fishel. Council Bill 2015-156. A special ordinance approving bid specifications for the Annual Maintenance Contract for Traffic Signals for Fiscal Year 2015-2016, accepting the bid of Ewing Signal Construction, LLC for that contract, and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2015-156. Special Ordinance 26591 was approved by the following vote: Ayes: Fishel, McClure, Hosmer, Fulnecky, Schilling, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

Closed Session

Mayor Pro Tem McClure moved that City Council hold a closed meeting to discuss legal actions, causes of action, litigation, privileged and confidential communications, pursuant to Sections 610.021 (1), and this meeting, record, and vote be closed and the City Council shall stand adjourned at the end of the closed session. Councilman Schilling seconded the motion and it was approved by the following vote: Ayes: Schilling, Fishel, McClure, Hosmer, Fulnecky, Ferguson, Burnett, and Stephens. Nays: None. Absent: Fisk. Abstain: None.

06/22/2015

Prepared by Lisa M. Harley-Lurten

Anita J. Cotter, CMC/MRCC
City Clerk